IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

Crl.Rev.Pet.No. 4083 of 2007()

AGAINST THE ORDER DATED 01/10/2007 IN CRMP.NO.2307/2007 IN CC.13/2007 of JFCM-I, PERINTHALMANNA

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REVN. PETITIONER: ACCUSED NO.5:

KOCHUMON, S/O. SEBASTIAN,
KALLUKALAYIL HOUSE, VALAMKKULAM, AMMINIKKAD.

BY ADV. SRI.MANSOOR.B.H.

RESPONDENTS: COMPLAINANT:

STATION HOUSE OFFICER,
PERINTHALMANNA POLICE STATION, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM

BY PUBLIC PROSECUTOR SRI.S.DILEEP

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 4083 OF 2007

Dated this the 16th day of November, 2007

O R D E R

The revision petitioner, who is the 5th accused in C.C.No.13/07 on the file of JFCM-I, Perinthalmanna for offences punishable under sections 3, 4 and 5 of the Prevention of Immoral Traffic Act, challenges the order dated 1.10.2007 passed by the said Magistrate dismissing the application for discharge filed by the revision petitioner. According to the revision petitioner, except for the fact that he is the owner of the building in question which was let out to the 1st accused as per a rent deed, he had absolutely no knowledge or involvement in the alleged activities in the tenanted premises. The learned Magistrate, after considering the materials, was inclined to hold that there is a prima facie case against the revision petitioner and that it cannot be said that the charge against him is groundless.

2. I see no reason to interfere with the discretion exercised by the court below. It is, however, needless to say

that the trial of the case will have to be untrammelled by any of the observations in the impugned order.

2. The learned counsel for the revision petitioner submitted that he may be given the benefit of exemption from appearance before the trial court. That is a matter to be considered by the trial court if and when the petitioner files an application under section 317 Cr.P.C.

This revision is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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